

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 103 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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JALAN MATRI

Versus

NAVJIVAN (KALYAN)CO.OP.HOUSINGSOCIETY LTD.

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Appearance:

MR MB GANDHI for Petitioners

MR SANJAY A MEHTA for Respondent No. 1, 2, 3, 4

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CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 23/06/98

ORAL JUDGEMENT

1. This appeal from order has been directed against order dated 3/2/1998 rendered by the learned Chamber Judge of the City Civil Court at Ahmedabad below the Notice of Motion Exh. 6 in Civil Suit No. 3728 of 1997. The learned Chamber Judge has granted interim injunction in terms of para. 12 (A) of the Notice of Motion during the pendency of the suit, which came to be filed for permanent injunction restraining the defendants from entering upon or carrying out any activities in the suit land bearing sub-plot no. 3, final plot no. 466 (part of Ellisbridge Town Planning Scheme No. 3, Ahmedabad) located in Navjivan (Kalyan) Cooperative Housing Society Limited.

2. After some amount of submissions, this appeal was negotiated for some interim arrangement during the pendency of the suit. Accordingly by consent following order is passed :-

Bearing in mind the observations of the learned trial Judge with regard to nature of the disputes and the involvement of the parties in the matter, the trial of the suit bearing Civil Suit No. 3728 of 1997 shall be taken up and the suit shall be disposed of as expeditiously as possible, preferably within three months from the date of receipt of this direction. The learned Principal Judge will see to the assignment of the suit immediately to the appropriate Court in the City Civil Court, Ahmedabad. The observations made by the learned trial Judge will not prejudice the cause of either of the parties.

Mr. S.A. Mehta, learned advocate for the respondents states at the bar that the plaintiffs will see to the structure in question being not disturbed.

Mr. M.B. Gandhi, learned advocate for the appellants seeks to withdraw this appeal. The appeal is accordingly dismissed as withdrawn. No order as to cost. D.S.P.

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PVR\*\*AO10398j.